

PTO/SB/64 (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: R. Edward Winters

Application No.: 09/846,565

Art Unit: 3738

RECEIVED

Filed: April 27, 2001

Examiner: Miller, Cheryl L.

APR 28 2006

Title: Low Profile Expandable Hoop Support Device for Flexible Tubes

OFFICE OF PETITIONS

Attention: Office of Petitions
Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
 Information at (571) 272-3282

The above-identified application became abandoned for failure to file a timely and proper reply to a
 notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
 expiration date of the period set for reply on the Office notice or action plus an extensions of time
 actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications
 filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee
☒ Small entity-fee \$750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
☐ Other than small entity - fee \$___ (37 CFR 1.17(m)).
2. Reply and/or fee
 - A. The reply and/or fee to the above-noted Office action in
 the form of Notice of Appeal and Appeal Fee (identify type of reply):
☐ has been filed previously on ____.
☒ is enclosed herewith.
 - B. The issue fee and publication fee (if applicable) of \$____.
☐ has been paid previously on ____.
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the
 USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to
 complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any
 comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,
 U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS
 TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (07-05)

Approved for use through 07/31/2006. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

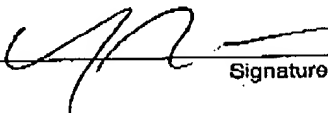
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$___ for a small entity or \$___ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.


Signature

April 27, 2006

Date

Michael Hostetter

Typed or printed name

47,664

Registration Number, if applicable

650 Page Mill Road

Address

(858) 350-2300

Telephone Number

Palo Alto, CA 94304-1050

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition, Commissioner for Patents,** P.O. Box 1450, Alexandria, VA 22313-1450.
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 272-3282.

April 27, 2006

Date


Signature

Vicki L. Andrews

Type or printed name of person signing certificate

[Page 2 of 2]

APR 27 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application) Confirmation No.:
Application No.: 09/846,565) Art Unit: 3738
Filed: April 27, 2001) Examiner: Cheryl L. Miller
First Named Inventor: WINTERS) Customer No. 021971
Title: LOW PROFILE EXPANDABLE HOOP)
SUPPORT DEVICE FOR FLEXIBLE)
TUBES)

RECEIVED

APR 28 2006

OFFICE OF PETITIONS

Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION

Sir/Madam:

I, R. Edward Winters, do hereby declare as follows:

1. I am the sole inventor and sole owner of the above-cited patent application
2. I was not aware that the above-cited patent application was abandoned until April 12th, 2006, at which point I promptly obtained legal assistance to help revive this unintentionally abandoned patent application.
3. If requested, I would be glad to provide further details in support of my petition to revive this patent application.
4. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that making of willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the applications or any patent issuing thereon.

Respectfully submitted,

Dated: April 27th, 2006


R. Edward Winters

WSGR Wilson Sonsini Goodrich & Rosati
PROFESSIONAL CORPORATION

RECEIVED
CENTRAL FAX CENTER

RECEIVED

APR 27 2006

APR 28 2006

OFFICE OF PETITIONS

Date: April 27, 2006

To: United States Patent & Trademark Office

Fax: (571) 273-8300

☒ Use this fax
number only

Company:

Phone:

☐ Notify recipient
before sending

From: Michael Hostetler

Phone: (858) 350-2306

Return Fax: (858) 350-2399

Original: ☐ To follow via mail ☐ To follow via courier ☐ To follow via email ☒ Original will not follow

Fax Contains: 6 pages (including this sheet). If incomplete, call Vicki L. Andrews at (858) 350-244.

Message:

Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)

Application No.: 09/846,565

Notice of Appeal

Declaration

Revocation of Power of Attorney with New Power of Attorney

Ref: 1000-065

Return Original to: Vicki Andrews

Location: SD-2

650 Page Mill Road, Palo Alto, CA 94304-1050 • 650.493.9300 Tel • 650.493.6811 Fax • www.wsgr.com

This fax may contain confidential and privileged material for the sole use of the intended recipient. Any review or distribution by others is strictly prohibited.
If you are not the intended recipient please contact the sender and destroy all copies.

Entire Transmission Copyright © 2003 Wilson Sonsini Goodrich & Rosati. All Rights Reserved.

Document3 (611)

PAGE 1/6 * RCVD AT 4/27/2006 8:00:31 PM [Eastern Daylight Time] * SVR:USPTO-EFAX-2/10 * DNIS:2738300 * CSID:8583502399 * DURATION (mm-ss):02-14